

OFFICE OF MANAGEMENT AND BUDGET**Office of Federal Procurement Policy****48 CFR Part 42****Contractor Acquisition of Automatic Data Processing Equipment**

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding contractor acquisition of automatic data processing equipment. Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before March 20, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see *Federal Register*, Vol. 45, No. 125, June 26, 1980, p. 43236 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following part of the draft Federal Acquisition Regulation is available upon request for public and Government agency review and comment.

PART 42—CONTRACT ADMINISTRATION**Subpart 42.13 Contractor Acquisition of Automatic Data Processing Equipment**

FAR 31.205-2 denies reimbursement for leased ADPE in excess of the cost of ownership unless the contractor has advance Government approval to lease. This subpart 42.13 provides procedures for contractor preparation and submission of requests for advance approval of ADPE leases, as well as guidance to contracting officers. The coverage will serve as a Government-wide procedure covering documentation under an application of FAR 31.205-2. It is intended to promote uniform and prompt indirect cost settlement and uniformity in contract administration.

This subpart is based primarily on Defense Acquisition Regulation (DAR) 3-1100 and on the limited related coverage in Federal Procurement Regulation (FPR) 1-4.1107-18. The FAR has adopted the comprehensive approach of the DAR, simplified the coverage by reorganization, and used the FPR approach for obtaining purchase options and credits resulting from contractor lease of ADPE.

There are no proposed policy changes in the FAR coverage.

Dated: January 16, 1981.
William Maraist,
Acting Assistant Administrator for Regulations.
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DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Parts 100 through 199**

[Docket HM-177]

Public Hearing and Request for Comment on Trailer-on-Flatcar Transportation of Hazardous Materials

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of public hearing and request for comment.

SUMMARY: A public hearing will be held to solicit comments, data, and test results on Trailer-on-Flatcar (TOFC) securement and the effect of a high center of gravity on the safe transportation of hazardous materials in TOFC service.

DATES: The hearing will be held on February 25, 1981, at 9:00 a.m. Written

comments should be received no later than April 2, 1981.

ADDRESSES: The meeting will be held at the Holiday Inn, O'Hare/Kennedy, 5440 North River Road, Rosemont, Illinois 60018. Written comments should be submitted to the Dockets Branch, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT: Richard C. Barlow, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, (202)755-4906.

SUPPLEMENTARY INFORMATION: On December 11, 1978, an NPRM was published in the *Federal Register* (43 FR 58050) under Docket HM-167. Comments were received from the Association of American Railroads (AAR) concerning TOFC service for the transportation of hazardous materials in intermodal tanks. The AAR believes that there is an increased risk associated with TOFC securement, i.e., the securement of the portable tank to the motor vehicle chassis and the securement of the motor vehicle chassis to the flatcar. Additionally, the AAR believes that " * * * the combined center of gravity for the flatcar, chassis and container is approximately 139" and this grossly exceeds the 98" maximum center of gravity for freight cars allowed by paragraph 2.1.3, AAR Specification M-1002."

Even though the AAR did not submit any data, calculations, or test results to support its position, the MTB believes the AAR's views should be given further consideration before it makes a final decision concerning the transportation of tank containers in TOFC service. Also, the MTB recognizes that, in view of the AAR's references to a 98" maximum center of gravity, the entire matter of transportation of hazardous materials in TOFC service should be examined to determine if a rulemaking proposal should be initiated under this Docket. This examination should include semitrailers (vans) and freight containers mounted on chassis as well as tank containers.

MTB is particularly interested in obtaining comments and information concerning the following factors that should be addressed in relation to TOFC operations.

(1) The current manner in which TOFC rail cars and other car types having center of gravities (when loaded) in excess of 98" are handled to ensure adequate safety. What special

requirements and/or procedures are imposed?

(2) The extent which supplemental snubbing and/or hydraulic stabilizers can improve the dynamic performance (car roll angle, side bearing loading, spring motion, vertical loading fluctuation) of high center of gravity cars. If such control devices are effective, can the center of gravity limitation be raised and still have the same level of safety performance?

(3) The contribution of track cross level variations and/or distance between rail joints in causing or exaggerating rock and roll in high center of gravity cars, and in TOFC loads in particular.

(4) Evaluations as to the effectiveness of operational changes (i.e., speed restrictions, humping limitations, route selection, etc.) in countering the adverse effects of high center of gravity loaded cars. Is there a set of operating conditions wherein high center of gravity loads, including intermodal tanks can be safely moved in TOFC service? At what additional cost?

(5) The trade offs and options which are important factors in determining and setting center of gravity restrictions and/or limits. To what degree is the hazard of the cargo a controlling consideration?

(6) Beyond center of gravity influences, the other factors which must be taken into account when assessing the safety of movement by TOFC. What components of operation are unique to TOFC service?

(7) The extent to which improvement in securement, end of car cushioning, better loading/unloading methods, etc., can reduce concern for the safety of hazardous materials in TOFC service. Can the securement of the portable tank to the chassis and the chassis to the flatcar be made adequate for a realistic railroad environment? What combination of improvements can make such TOFC service safe?

(8) An enumeration of special requirements which are recommended for transport of hazardous materials in TOFC service but which are not applicable for general TOFC movements. What additional requirements can be justified for the transport of hazardous materials? For example, should stacking of certain packagings (e.g. double decking of drums) be prohibited?

(9) The past shipping experience with hazardous material movement in TOFC service. Aside from incidents (involving unintentional releases) reported to MTB, what has been the accident history vs. the total number of shipments made? Do some railroads tend to have more

problems related to such movements than others?

(10) Testing which has been performed, or could be performed to measure the current safety level of hazardous materials in TOFC service, and which could be used to evaluate countermeasure improvements. What are the results of past testing? What are the recommendations for additional testing to prove or disprove various contentions? How should such testing be performed and who should do the testing?

Interested persons are invited to participate in the hearing. Persons intending to present oral statements for the record should advise the information contact mentioned earlier in this Notice.

While unsupported views and opinions will be accepted, information as requested above in the form of data, calculations or concerning accident experience and test results would be most useful. In particular, the MTB invites the AAR to provide data and calculations supportive of its 98" maximum center of gravity limitation.

(49 U.S.C. 1803, 1804, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to part 106)

Issued in Washington, D.C. on January 19, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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National Highway Traffic Safety Administration

49 CFR Parts 531 and 533

[Docket No. FE 80-01; Notice 1]

Passenger Automobile and Light Truck Average Fuel Economy Standards; Model Year 1985 and Beyond

AGENCY: National Highway Traffic Safety Administration DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Motor Vehicle Information and Cost Savings Act specifies a standard of 27.5 mpg for passenger automobiles for 1985 and each model year thereafter, but allows amending that standard and establishing a higher one if the maximum feasible average level of fuel economy is higher than 27.5 mpg. The Act also requires that maximum feasible average fuel economy standards be established for light trucks for each model year. In view of these statutory provisions and the projected petroleum

shortages of this country, this notice and a related report are being issued to invite public comment on the improvements that can be made in passenger automobile and light truck fuel economy in the 1985-1995 period. The agency is interested in securing information regarding the impacts the conversion of automotive plants will have on employment and geographic distribution, and on the capital requirements of the automobile industry. Additional information is requested concerning the benefits to the Nation of reducing fuel consumption, the benefits and costs to the consumer of improved fuel economy and additional actions such as subsidies and incentives which the Federal government can adopt legislatively to facilitate higher levels of improvements. Improvements in average fuel economy could save billions of barrels of gasoline over the life of the 1985-1995 passenger automobiles and light trucks.

DATES: Comments on this notice must be received on or before April 27, 1981.

ADDRESSES: Comments must be submitted in writing to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. Submissions containing information for which confidential treatment is requested should be submitted to: Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Additional copies from which the purportedly confidential information has been deleted should be sent to the Docket Section. The Docket Section is open to the public from Monday to Friday between 8 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Scheiner, Office of Automotive Fuel Economy Standards, NRM-22, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-472-5906).

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration is issuing this notice to aid its analysis of the potential for improvement in passenger automobile and light truck fuel economy in the 1985-1995 period and of the regulatory and nonregulatory methods that can be used to facilitate the making of those improvements, while ensuring the economic health and viability of the domestic automobile industry. The issuance of this notice does not necessarily indicate that standards will be established, but rather is intended as an information gathering process to determine whether standards should be